

Memorandum

Date : November 28, 2001
Telephone: (916)
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File: 00-AFC-14

To : Commissioner Robert Pernell, Presiding Member
Commissioner William J. Keese, Associate Member

From : California Energy Commission - James W. Reede, Jr.
1516 Ninth Street Siting Project Manager
Sacramento, CA 95814-5512

Subject : **Subject Comments on the Committee Proposed Schedule and Staff's Proposed Schedule for the El Segundo Power Redevelopment Project (00-AFC-14)**

Staff has reviewed the Committee's Proposed Schedule and has subsequently developed a proposed schedule that sequences the remaining activities based on both anticipated submittal dates confirmed with the other agencies and parties involved and staff's workload capabilities. Staff has not attempted to adjust the schedule beyond the start of the Committee Workshop / Pre-hearing Conference except to correct calendar errors. Staff has included status reporting at day (n+50) and would be willing to also include a report at day (n+20) if problems arise.

Reopened Discovery

Staff agrees with the Committee on the need for reopening discovery for a limited period. Staff asks that the discovery period also include the caveat that the applicant responds to requests for information within 15 days rather than the traditional 30 days. Staff also requests that they be allowed 30 days from (n-day) until (January 4, 2002), to make data requests of the applicant rather than the 15 days shown on the Committee Proposed schedule. This request is made due to the upcoming holidays and the need to thoroughly review the submittals and obtain results from the biological resources peer review. Staff appreciates the option of a Data Response workshop afforded by the Committee. This request has no significant effect on the end date.

Determination of Compliance

After further consultation on November 28, with Mrs. Pang Mueller of the South Coast Air Quality Management District (SCAQMD), the District is planning to "notice" the PDOC for public and agency review on or before December 14, 2001. This "Notice of PDOC" would result in an FDOC being issued at approximately day (n+60) due to the 30 day public comment period and the concurrent 45-day EPA review. Past cases have shown that while the issuance of the PDOC may have been late, the FDOC has always been promptly issued.

Because of the unique nature of the PM10 offset package and the need to review comments from other agencies, prudence dictates that staff fully evaluate and

analyze the FDOC prior to issuance of the Supplement to the Staff Assessment. Staff will need 10 days after issuance of the FDOC to review it for consistency with the information used to prepare the Air Quality section of the Assessment. Therefore the staff has changed the proposed schedule accordingly.

Staff agrees with the Committee that the release of the Supplemental Staff Assessment and the remainder of the schedule will be tolled until the "noticed" PDOC is issued by SCAQMD.

California Coastal Commission Report

Staff disagrees with the draft schedule that requires staff to proceed with the Supplemental Staff Assessment using the current Coastal Commission staff comments. There is no disagreement from a procedural perspective about relying on a Coastal Commission staff report. However, it is anticipated that the Coastal Commission Staff report will be heavily revised, due to the applicant's submittal of information, on or before the date that the Supplement is due. The Energy Commission staff will be receiving a copy of the final Coastal Commission staff report on approximately January 31st, sufficient time to include the findings in the Supplement. The Coastal Commission will be meeting to address the El Segundo issues on February 13, 2002. Therefore the staff has changed the proposed schedule accordingly.

Staff agrees however, that the conduct of the Pre-hearing Conference and remainder of the schedule should be tolled until the Coastal Commission Staff Report and findings are adopted.

Visual Resources

During the Status Conference, Hearing Officer Shean commented on the possibility of further discussing and attempting to resolve the outstanding issues related to architectural enhancement of the project. Staff believes that a workshop could help resolve the remaining visual issues and requests that the Committee considers schedules such a workshop as part of this scheduling order. Staff also believes that this workshop needs to be held as soon as possible in early January and we suggest the dates of January 9th or 10th.

DRAFT EL SEGUNDO AFC SCHEDULE

DAY*	DATE	ACTIVITY
"n"	Dec-5	Initial Critical Path Items Required from Applicant - } Preliminary Determination of Compliance (PDOC) } Enhanced Street Sweeping Proposal } Impingement & Entrainment Validation Study } Noise Study } Soil & Groundwater Contamination Remediation Plan } Demonstration of NPDES Permit Compliance, if Neces } Responses to All Data Requests Not Previously Subm } Any Other Critical Path Item Known to Applicant
n +10	Dec-14	PDOC is "noticed" for public and agency comments
n + 30	Jan-4	Last Data Requests
n + 45	Jan-18	Data Responses filed
		Data Response Workshops (if necessary per Staff)
n + 50	Jan-23	Status Report
n +60	Feb-2*	Final Critical Path Items Required from Applicant - } Final Determination of Compliance (FDOC)
n + 70	Feb-13*	"Consistency Report" adopted by Coastal Commission
n + 70	Feb-13	Staff files and serves "Supplement to Staff Assessment"
n + 80	Feb-25	Staff Workshops on Supplement to Staff Assessment (per Staff)
n + 90	Mar-6	Staff Files and Serves "Comments on Supplement to Staff Asses Final Staff Assessment
n + 95	Mar-11	Committee Workshop(s)/Prehearing Conference
n + 95	Mar-11	Committee Hearing Order
n + 105	Mar-21	Testimony Filed and Served
n + 115	Mar-31	Evidentiary Hearing (Possibly Preceded by Committee Workshop
n + 145	Apr-30	Presiding Member's Proposed Decision (PMPD) Issued (Based o PDOC); Begin 30-day Public Comment Period
n + 170	May-24	Possible Hearing on FDOC and Final Agency Comments
n + 175	May-30	End of Public Comment Period on PMPD
n + 180	June-4	Decision on PMPD

Or, if Necessary

n + 185		"Revised" PMPD Issued; Begin 15-day Public Comment Period
n + 200		End of Public Comment Period on Revised PMPD
n + 205		Decision on Revised PMPD

* Schedule is tolled until required item is provided.